



NPDB-HIPDB



DATA BANK NEWS



National Practitioner Data Bank—Healthcare Integrity and Protection Data Bank

OCTOBER 2006

Section 1921 and Nurse Pre-Employment Background Checks

Nurse pre-employment background checks will become much easier with the implementation of Section 1921 of the *Social Security Act*. Section 1921 will add adverse licensure actions against all health care practitioners (e.g., nurses, podiatrists, social workers, and

psychologists) to the National Practitioner Data Bank (NPDB).

The hiring procedure for nurses has gradually changed since States began participating in the Nurse Licensure Compact (NLC). States in the NLC recognize Registered Nurse (RN) and Licensed Practical Nurse/Vocational Nurse (LPN/VN) licenses for residents of all participating

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Registration Renewal -- Completed!

Over 16,500 entities and agents updated their registrations with the Data Banks over the last year. All entities and authorized agents who initially registered with the Data Banks before July 1, 2005 were required to renew their registration. Thanks to all entities and agents that cooperated and completed their registration renewal in a timely manner!

The electronic renewal process requires entities and agents to review and recertify their authority to participate in the Data Banks and to update all entity information including points of contact, e-mail addresses, telephone numbers, and mailing addresses.

Because of the potential legal consequences for improper querying, it is important that entities periodically review their eligibility through registration renewal. Periodic renewals also ensure that the confidential information on file for each entity is accurate and current.

Entities are required to renew their registration every two years. Entities that fail to complete their renewal will not be able to use the Data Banks until the registration renewal is complete. These entities should contact the Customer Service Center at 1-800-767-6732 for assistance. ¶

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States¹, increasing the mobility of these nurses. This makes it relatively easy for RNs and LPNs/VNs to change institutions, and move from State to State for personal or professional reasons². Most employers only provide the start and end dates of employment to another hospital; therefore, more hospitals are finding it necessary to conduct extensive investigations, including using the Data Banks. Between 2004 and 2005, there was a 9.7% increase in hospital queries to the NPDB regarding professional and paraprofessional nurses³.

Section 1921 expands the NPDB to allow all hospitals access to adverse licensure action reports on all types of health care practitioners. This added access will greatly enhance hospital employment practices for nurses and other allied health practitioners. After Section 1921 is implemented, the NPDB will serve as an invaluable resource for pre-employment background checks on all health care practitioners, and will be the only hospital-accessible, national source with some of the data shown in Table 1, "NPDB After Section 1921" below.

At \$4.75 per query and an average query result response time of two to four hours, the NPDB becomes a cost-efficient and effective resource for hospitals' human resources departments when hiring health care practitioners. Because of the quality of NPDB information, hospital credentialing departments should encourage their human resources and nurse recruitment offices to query the Data Bank when conducting pre-employment background checks. ¶

NPDB AFTER SECTION 1921

	PHYSICIANS/DENTISTS	ALL OTHER PRACTITIONERS	ORGANIZATIONS
MEDICAL MALPRACTICE PAYMENTS	X	X	
ADVERSE LICENSURE ACTIONS	X	X	
ADVERSE CLINICAL PRIVILEGING ACTIONS	X		
ADVERSE PROFESSIONAL SOCIETY MEMBERSHIP	X		
NEGATIVE ACTION OR FINDING BY A STATE LICENSING OR CERTIFICATION AUTHORITY	X	X	X
PRIVATE ACCREDITATION ORGANIZATION NEGATIVE ACTION OR FINDINGS			X
MEDICARE/MEDICAID EXCLUSIONS	X	X	
DEA REGISTRATION ACTIONS	X	X	

Table 1. *NPDB After Section 1921* outlines the actions taken on specific practitioner types that will be reported to the NPDB after Section 1921 is implemented.

¹National Council of State Boards of Nursing, December 5, 2004, "Nurse Licensure Compact Model Rules and Regulations", [On-line], www.ncsbn.org/nlc/rnlpvncompact_mutual_recognition_rules.asp, 28 June 2006

²Corodemus, Assemblyman Steve, www.infolinkscreening.com, 2004, "Background Checks: What Employers Should Know", [On-line], 10 May 2006

³PDBB Data, Queries Data File, 2004 and 2005

Recent and Upcoming Data Bank Outreach Activities

Communication with Data Bank constituents continues to be a high priority. Representatives from the Practitioner Data Banks Branch (PDBB) participated in numerous outreach activities over the summer and fall months. These events provide an opportunity for the Data Banks to share information and learn from Data Bank users and health care community experts.

Presentations have focused on the Proactive Disclosure Service (see the article on page 8), Section 1921 of the *Social Security Act* (see the articles on page 1 and page 3), and the importance of timely reporting to the Data Banks.

The Data Banks participated in the following meetings and conferences:

August

- National Council of State Boards of Nursing (NCSBN) Annual Meeting.
- National Association of Specialty Health Organizations (NASHO) Leadership Summit.

September

- Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting and Delegate Assembly.
- National Association Medical Staff Services (NAMSS) Annual Conference.
- Data Banks Policy Forum held in conjunction with the NAMSS Annual Conference.
- Administrators in Medicine (AIM) 2006 Educational Workshop and Eastern and Southern Regional Meetings.
- National Board for Certification in Occupational Therapy (NBCOT) Annual Conference.

The Data Banks will participate in the following meetings and conferences:

October

- 123rd American Association of Dental Examiners (AADE) Meeting (Las Vegas, NV, October 14).

- Association of State and Provincial Psychology Boards (ASPPB) Annual Meeting (San Diego, CA, October 25-29).
- AIM Western and Central Regional Meetings (Reno, NV, October 26-27).

November

- National Committee for Quality Assurance (NCQA) Introduction to Credentialing Workshop (Washington, DC, November 9).
- National Health Care Anti-Fraud Association (NHCAA) Meeting (Marco Island, FL, November 14-17).
- National Practitioner Data Bank (NPDB) Executive Committee Meeting (Arlington, VA, November 28).
- NCSBN Nursys® Users Meeting (Chicago, IL, November 6).[†]

Section 1921 Public Comments and Next Steps

The Public Comment period for the proposed regulations implementing Section 1921 of the *Social Security Act* was March 21st through May 22nd. We appreciate all the thoughtful comments submitted. The comments are under review by the Practitioner Data Banks Branch (PDBB). The government may make changes to the proposed rule based on the received comments. Once the final rule has been drafted by PDBB, it will undergo internal Federal Government review. The comments and the government's response to the comments will be incorporated into the preamble of the final rule implementing Section 1921. The final regulations will be published in the *Federal Register* and posted on the Data Banks' Web site (www.npdb-hipdb.hrsa.gov).[‡]

IQRS Enhancements Designed to Improve Workflow

November 13, 2006 marks the debut of several enhancements to the Integrated Querying and Reporting Service (IQRS). Suggestions received from past IQRS User Review Panel (URP) meetings led to the implementation of these enhancements.

IQRS DOCUMENTS WILL REMAIN AVAILABLE LONGER

Starting in November, query responses and Report Verification Documents (RVDs) will remain available for download and printing on the IQRS, through the Querying and Reporting XML Service (QRXS) and in the Interface Control Document (ICD) Transfer Program (ITP) for 45 days, instead of the current 30 days. This expanded availability responds directly to users' requests. Charge receipts remain available for 60 days via the **View Billing History** button on the *Options* screen.

REPORT VERIFICATION DOCUMENTS (RVDs) WILL NOTIFY ENTITY IF REPORT IS SUBMITTED ON TIME

Beginning in November, each time a report is successfully submitted to the IQRS and processed by the Data Banks, a Report Verification Document (RVD) is returned for the entity's retrieval. The RVD verifies that the report was successfully processed and includes a note informing the entity whether they met the mandatory reporting timeframe requirements. To view the reporting requirements for specific entities, go to the *NPDB Guidebook*, Chapter E, page E-2 and the *HIPDB Guidebook*, Chapter E, pages E-5 through E-12.

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Helpful Hints From

A NOTE ON ENTITY-AGENT RELATIONSHIPS

Entities which arrange for an outside organization to query and/or report on their behalf (authorized agent), and then at a later date decide not to use that agent by terminating the arrangement, are responsible for de-activating the entity-agent relationship. If an entity decides to change the designation of an agent, such as the routing of query and report responses, the entity must obtain and complete an *Authorized Agent Designation Update* form through the Integrated Querying and Reporting Service (IQRS).

QUERY AND REPORT SUBJECTS WITH MULTIPLE ITEMS OF IDENTIFICATION

When completing a *Query* or *Report* form, please include multiple Professional School(s) Attended, Year(s) of Graduation, State License Number(s), Social Security Numbers (SSNs), and Other Names Used, if your records contain more than one item for these elements. Doing so will provide the Data Banks with complete information and you will improve the matching results.

NEW TRAINING PROGRAM

The new State Medicaid Fraud Control Unit (MFCU) Interactive Training Program provides an overview of the Healthcare Integrity and Protection

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page 4*

CONSOLIDATED IQRS QUERY SCREENS IMPROVE WORKFLOW

Coming in November, IQRS workflow enhancements will reduce the number of screen clicks necessary for a user to submit a query. Another improvement moves the **Administrator Options** and **View Data Bank Correspondence** functions to the *Options* screen for easier access to all functions during an IQRS session.

OCCUPATION/FIELD OF LICENSURE CODES RE-ORGANIZED

Starting in November, easier access to the most frequently used Occupation/Field of Licensure codes will make completing queries and reports simple. The three most frequently used Field of Licensure groups will appear at the top of the Occupation/Field of Licensure codes drop-down list. These codes are: Physicians, Nurses/Advance Practice Registered Nurses, and Dental Service Providers. **Note:** Specialty codes are listed in alphabetical order by description rather than numerically. Specialty codes are only applicable to physicians, medical residents, dentists, and dental residents.

BETTER BILLING SEARCH CAPABILITIES

Beginning in November, billing history enhancements will provide better search capabilities for users and also permit authorized agents to view charges encountered for each entity without having to re-log in to the IQRS each time for each query. The *Billing Lookup* screen, which replaces the *Billing History Range* screen in November, will provide additional search options and will be displayed every time a user views billing history (instead of appearing only when more than 100 queries were billed).†

The Data Banks

Data Bank (HIPDB). The training shows Federal and State Government agencies and health plans the step-by-step process for submitting a Judgment or Conviction Report (JOCR) and includes an interactive quiz. Be sure to check it out at www.npdb-hipdb.hrsa.gov/training.html.

SCROLL DOWN TO VIEW ALL QUERY RESPONSES

Query responses from the IQRS may not appear in the exact order in which you submitted them when you retrieve them from the IQRS. If you do not immediately see the response you are looking for, scroll down through all responses on-screen. You may also sort query responses by the query submitter's name, Data Bank Control Number

(DCN), date the query was submitted, number of names queried, and query status.

SAFEGUARD YOUR DBID

It is essential that you safeguard your Data Bank Identification Number (DBID) to prevent inadvertent disclosure to unauthorized individuals. Your entity's DBID is the unique number that identifies your entity to the Data Banks.

When calling the Data Bank Customer Service Center, be prepared to provide your DBID to the Information Specialist to receive help. Entities must also include the DBID on all correspondence to the Data Banks.†

Security Hints from the Data Banks

Laptop computer thefts and losses, and the potential disclosure of sensitive information, are making headlines. Millions of confidential data records may be stored on laptops, placing Personal Identifiable Information (PII) at risk. Confidential PII includes information used to identify an individual, such as Social Security Number, address, birthday, etc.

Clear policies regarding information security help keep data secure. Strictly following procedures reduces the risk of loss and theft as well as unauthorized disclosure.

Specific Precautions

- Restrict access to electronic data. Only people with a need to know should have access to personal data.
- Encrypt sensitive information stored on hard drives and disks. Mobile devices (laptops, portable hard drives, etc.) are especially vulnerable.

- Make back-up copies of all pertinent data residing on your laptop and store it in a secure place.
- Create passwords to access files and hard drives. Do not write your password down.
- Engrave or permanently mark all computers with the owner's name, address, and phone number.
- Laptops containing sensitive information should not be removed from secure premises.
- Treat laptops as corporate assets and protect them at all times.
- Use laptop locks and leashes to secure computers to your desk.
- Never leave a laptop unattended in an automobile, at meetings, conferences, or other public places.

The Data Banks maintain clear policies regarding information security. All individuals who

have the authority to query and report information to the National Practitioner Data Bank—Healthcare Integrity and Protection Data Bank (NPDB-HIPDB) system must acknowledge and comply with the Rules of Behavior as shown on the Web site.

NPDB-HIPDB information is protected with comprehensive security controls that are designed to prevent manipulation of, and access to, the data by unauthorized staff and external sources. Strong security tools including data encryption, limited access within facilities, authentication procedures, firewall, intrusion detection tools, and regular backups maintain the confidentiality, integrity, and availability of the data at the Data Bank. Once you receive data from the Data Banks, you are responsible for its security and compliance with the laws concerning its unauthorized disclosure or use.†

FAQs Web Page to be Expanded This Fall

Get fast, up-to-date answers to your questions about the Data Banks. The Data Banks will update the Web site's Frequently Asked Questions (FAQs) this coming fall. The updated FAQs will be available at www.npdb-hipdb.hrsa.gov/faq.html and will feature the following user-friendly improvements:

Expanded FAQ categories. The FAQs will include topics such as Eligibility Criteria, Registration, Authorized Agents, Narrative Descriptions, and Payment Methods.

More easily navigated pages. FAQs pages will contain new links, bringing users pertinent information with

one click of the mouse. Customer Service Center and Guidebook information will be easily accessible. The Customer Service Center telephone number will be prominently featured for users who want follow-up information that is not included in the FAQs.

Links to Data Bank Fact Sheets. At the top of each FAQs section, pertinent Fact Sheets will be cited to provide additional detailed information.

Be sure to check out the soon to be improved FAQs page. If you continue to have questions, please call the Customer Service Center at 1-800-767-6732 or e-mail npdb-hipdb@sra.com.†

Dear Data Banks...

This column answers questions about Data Bank policy and procedures. **If you have a question, please write to Dear Data Banks at P.O. Box 10832, Chantilly, VA 20153-0832 or e-mail your question to Dear Data Banks at npdb-hipdb@sra.com.** We look forward to hearing from you!

Question: How long does a report remain on file in the Data Banks? Does it ever get removed?

Answer: A report remains on file with the Data Banks permanently unless it is voided or corrected by the reporting entity or the Secretary of the U.S. Department of Health and Human Services. When a report is corrected, the original report is no longer available; however, the corrected report is available to queriers. A report may only be voided if it was erroneously submitted or if it was not required to be filed. If a report was correctly filed but later the action was reversed, the entity should file a Revision to Action Report; the entity should not void the first report in these circumstances.

Question: Are practitioners notified when a report is filed against them?

Answer: Yes. When a reporting entity submits a report to the Data Banks, the Customer Service Center prints and mails a copy of that report (and any future changes to the report) to the subject of the report. The subject's mailing address is the address included in the report submitted by the reporting entity, the most recent valid address submitted in subsequent reports for that subject, or the address that is updated by the subject through the Report Response Service on the Data Banks' Web site.

Question: As a querier, will I be able to determine if the subject of a report has not received his or her copy of a report from the Data Banks?

Answer: Yes. When a Subject Notification Document (SND) is returned to the Data Banks by the Post Office, the address to which the subject's report was sent and the date it was sent is added to the report, along with a note indicating that the subject did not receive a copy because it was returned as undeliverable.

Question: I am an "entity administrator" and I am unable to log in to the Integrated Querying and Reporting Service (IQRS) because I have forgotten my password. How do I receive my password?

Answer: Please call the Customer Service Center at 1-800-767-6732 to receive a temporary password that will allow you to log in and create a new password. You will be asked questions designed to ensure that you are who you claim to be before the temporary password will be provided. Please note the following when receiving a temporary password from the Customer Service Center:

- The temporary password is used one time only to allow the entity's administrator to log in and create a new password.
- The temporary password is valid for only three calendar days.
- Enter the temporary password in the "Old Password" field.
- The new password must be alpha-numeric (8-14 characters), may not be a previously used password, and may not be a word found in the dictionary.
- Be sure to save your new password and immediately log out of the IQRS, then log back in to the IQRS with the newly created password.

Question: How do I know if my adverse action narrative description is legally sufficient?

Answer: To meet the legally sufficient reporting requirements, the description must have enough information so that a knowledgeable reviewer can determine clearly the circumstances of the action or surrender. In other words, you must provide a clear understanding of what the subject practitioner is alleged to have done, the nature of the action taken, and the reasons for the report. Merely repeating the adverse action or basis for action code is not sufficient. For additional information on providing a legally sufficient narrative description, see the *Fact Sheet on Developing Legally Sufficient Narratives for Adverse Action Reports*, available on-line at www.npdb-hipdb.hrsa.gov. (On the left side of the menu under the Publications heading, click **Brochures and Fact Sheets**.)

If you have an urgent question, please call the Customer Service Center at 1-800-767-6732. Information Specialists are available to speak with you weekdays from 8:30 a.m. to 6:00 p.m. (5:30 p.m. on Fridays) Eastern Time. The Customer Service Center is closed on all Federal holidays. ☎

On the Horizon

SPRING 2007: TESTING BEGINS ON PDS PROTOTYPE

Preparations are currently underway to roll out the Proactive Disclosure Service (PDS) prototype in the spring of 2007. The PDS will notify entities of new reports and report changes filed with the Data Banks on all of their PDS-enrolled practitioners within one business day of the Data Banks' receipt of a report. No query is required, as the PDS will ensure continuous monitoring of practitioners.

The PDS service will be offered as an alternative to the current querying service. Initially, during the prototype testing period, only a limited number

of entities (those who participated in the 2003 - 2005 PDS Discussion Groups and Entity visits) are being invited to enroll. Additional invitations to participate in the PDS prototype will be extended to entities if space becomes available.

The PDS prototype will last approximately two years before transitioning to full implementation—open to all registered entities. The prototype will allow full and complete testing of the PDS system. Future issues of *NPDB-HIPDB Data Bank News* will keep you informed about the status of the PDS prototype. ¶

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